

in *Tabb* apply to N.Y. Penal Law § 120.05(12), including the significance of the differences between these two provisions of New York law. In doing so, the parties are encouraged to also address such decisions as *United States v. Castleman*, 572 U.S. 157 (2014), *United States v. Scott*, 990 F.3d 94, 125 (2d Cir. 2021) (en banc), *Singh v. Barr*, 939 F.3d 457 (2d Cir. 2019), and *United States v. Walker*, 442 F.3d 787 (2d Cir. 2006).

2. The parties also cite the out-of-Circuit decisions in *United States v. Love*, 7 F.4th 674 (7th Cir. 2021) and *United States v. Lassend*, No. 10-40019-FDS, 2017 WL 2960518 (D. Mass. July 11, 2017). The parties shall submit additional briefing discussing the statutes that were at issue in those cases and whether the analyses in those cases should apply here.

In light of the need for this additional briefing, Defendant's sentencing is adjourned to September 20, 2023 at 10:00 a.m.

SO ORDERED.

Dated: August 11, 2023
New York, New York



JOHN P. CRONAN
United States District Judge